

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 273

Introduced by Sullivan, 41; Hughes, 44.

Read first time January 14, 2015

Committee:

1 A BILL FOR AN ACT relating to elections; to amend sections 32-517,
2 32-518, 32-520, 32-521, 32-522, 32-523, 32-526, 32-528, and 32-529,
3 Reissue Revised Statutes of Nebraska, and sections 32-101, 32-519,
4 32-524, and 32-525, Revised Statutes Cumulative Supplement, 2014; to
5 authorize voters to vote regarding partisan or nonpartisan ballots
6 for nomination and election of county officers in certain counties;
7 to harmonize provisions; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-101, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 32-101 Sections 32-101 to 32-1551 and section 2 of this act shall be
4 known and may be cited as the Election Act.

5 Sec. 2. (1) All county officers elected pursuant to sections 32-517
6 to 32-529 shall be nominated and elected on a partisan ballot except as
7 otherwise provided in this section.

8 (2) The county board in counties with a population of twenty
9 thousand or fewer inhabitants may adopt a resolution requiring the
10 submission of the question to the voters of the county regarding
11 nomination and election of all officers elected pursuant to sections
12 32-517 to 32-529 on a nonpartisan ballot. The registered voters of a
13 county with a population of ten thousand or fewer inhabitants may file a
14 petition with the county clerk requesting the submission of the question
15 to the voters regarding nomination and election of all officers elected
16 pursuant to sections 32-517 to 32-529 on a nonpartisan ballot. The
17 question shall be submitted at the first statewide general election held
18 at least sixty days after the adoption of the resolution or the
19 verification of signatures of registered voters of the county on such
20 petition equal in number to at least five percent of the registered
21 voters in the county at the preceding statewide general election.

22 (3) If the vote on the question is in favor of the nomination and
23 election of all officers elected pursuant to sections 32-517 to 32-529 on
24 a nonpartisan ballot, such officers shall be so nominated and elected at
25 all subsequent elections except as provided in subsection (4) of this
26 section.

27 (4) The question may be submitted to the voters to change the
28 nomination and election of all officers elected pursuant to sections
29 32-517 to 32-529 from the nonpartisan ballot to the partisan ballot in
30 the same manner as provided in subsection (2) of this section.

31 (5) The question of changing the nomination and election of all

1 officers elected pursuant to sections 32-517 to 32-529 shall not be
2 submitted to the voters more often than once every three years.

3 Sec. 3. Section 32-517, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 32-517 Except as provided in section 22-417, a county clerk shall be
6 elected in each county having a population of four hundred thousand
7 inhabitants or less at the statewide general election in 1994 and each
8 four years thereafter and in counties having a population in excess of
9 four hundred thousand inhabitants at the statewide general election in
10 1996 and each four years thereafter. The county clerk shall meet the
11 qualifications found in sections 23-1301 and 23-3203 if applicable.—The
12 ~~county clerk shall be elected on the partisan ballot.~~

13 Sec. 4. Section 32-518, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 32-518 Except as provided in section 22-417, (1) a register of deeds
16 shall be elected in each county having a population of more than twenty
17 thousand and not more than four hundred thousand inhabitants at the
18 statewide general election in 1962 and each four years thereafter and in
19 counties having a population in excess of four hundred thousand
20 inhabitants at the statewide general election in 1964 and each four years
21 thereafter and (2) if the population of a county which has a separate
22 office of register of deeds pursuant to this section falls below twenty
23 thousand inhabitants after establishing such an office or if a county
24 which has a separate office of register of deeds immediately prior to
25 July 10, 1990, has a population of twenty thousand inhabitants or less,
26 the office of the register of deeds shall continue and the officer shall
27 be elected pursuant to this section as if the county had a population of
28 more than twenty thousand and not more than four hundred thousand
29 inhabitants. The term of the register of deeds shall be four years or
30 until his or her successor is elected and qualified. The register of
31 deeds shall meet the qualifications found in section 23-1501.—The

1 ~~register of deeds shall be elected on the partisan ballot.~~

2 Sec. 5. Section 32-519, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 32-519 (1) Except as provided in section 22-417, at the statewide
5 general election in 1990 and each four years thereafter, a county
6 assessor shall be elected in each county having a population of more than
7 three thousand five hundred inhabitants and more than one thousand two
8 hundred tax returns. The county assessor shall serve for a term of four
9 years.

10 (2) The county board of any county shall order the submission of the
11 question of electing a county assessor in the county to the registered
12 voters of the county at the next statewide general election upon
13 presentation of a petition to the county board (a) conforming to the
14 provisions of section 32-628, (b) not less than sixty days before any
15 statewide general election, (c) signed by at least ten percent of the
16 registered voters of the county secured in not less than two-fifths of
17 the townships or precincts of the county, and (d) asking that the
18 question be submitted to the registered voters in the county. The form of
19 submission upon the ballot shall be as follows: For election of county
20 assessor; Against election of county assessor. If a majority of the votes
21 cast on the question are against the election of a county assessor in
22 such county, the duties of the county assessor shall be performed by the
23 county clerk and the office of county assessor shall either cease with
24 the expiration of the term of the incumbent or continue to be abolished
25 if no such office exists at such time. If a majority of the votes cast on
26 the question are in favor of the election of a county assessor, the
27 office shall continue or a county assessor shall be elected at the next
28 statewide general election.

29 (3) The county assessor shall meet the qualifications found in
30 sections 23-3202 and 23-3204. ~~The county assessor shall be elected on the~~
31 ~~partisan ballot.~~

1 Sec. 6. Section 32-520, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-520 A county sheriff shall be elected in each county at the
4 statewide general election in 1990 and each four years thereafter. The
5 term of the county sheriff shall be four years or until his or her
6 successor is elected and qualified. The county sheriff shall meet the
7 qualifications found in sections 23-1701 and 23-1701.01.—~~The county~~
8 ~~sheriff shall be elected on the partisan ballot.~~

9 Sec. 7. Section 32-521, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 32-521 A county treasurer shall be elected in each county at the
12 statewide general election in 1990 and each four years thereafter. The
13 term of the county treasurer shall be four years or until his or her
14 successor is elected and qualified. The county treasurer shall meet the
15 qualifications found in section 23-1601.01.—~~The county treasurer shall be~~
16 ~~elected on the partisan ballot.~~

17 Sec. 8. Section 32-522, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 32-522 Except as provided in section 23-1201.01, a county attorney
20 shall be elected in each county at the statewide general election in 1990
21 and each four years thereafter. The term of the county attorney shall be
22 four years or until his or her successor is elected and qualified.
23 Candidates for the office of county attorney shall meet the
24 qualifications found in sections 23-1201.01 and 23-1201.02.—~~The county~~
25 ~~attorney shall be elected on the partisan ballot.~~

26 Sec. 9. Section 32-523, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 32-523 Except as otherwise provided in sections 23-3401 and 23-3404,
29 the public defender shall, in counties having a population in excess of
30 one hundred thousand inhabitants which have not elected a public defender
31 prior to July 10, 1984, be elected at the next statewide general election

1 following July 10, 1984, or the year in which the county attains a
2 population of one hundred thousand inhabitants and shall, in other
3 counties, be elected at the first statewide general election of county
4 officers following approval by the county board and every four years
5 thereafter. The term of the public defender shall be four years or until
6 his or her successor is elected and qualified. The public defender shall
7 meet the qualifications found in section 23-3401. ~~The public defender~~
8 ~~shall be elected on the partisan ballot.~~

9 Sec. 10. Section 32-524, Revised Statutes Cumulative Supplement,
10 2014, is amended to read:

11 32-524 (1) Except as provided in section 22-417:

12 (a) In counties having a population of seven thousand inhabitants or
13 more, there shall be elected one clerk of the district court at the
14 statewide general election in 1962 and every four years thereafter; and

15 (b) In counties having a population of less than seven thousand
16 inhabitants, there shall be elected a clerk of the district court at the
17 first statewide general election following a determination by the county
18 board and the district judge for the county that such officer should be
19 elected and each four years thereafter. When such a determination is not
20 made in such a county, the county clerk shall be ex officio clerk of the
21 district court and perform the duties by law devolving upon that officer,
22 unless there is an agreement between the State Court Administrator and
23 the county board that the clerk of the county court for such county shall
24 be the ex officio clerk of the district court and perform such duties.

25 (2) In any county upon presentation of a petition to the county
26 board (a) not less than sixty days before the statewide general election
27 in 1976 or every four years thereafter, (b) signed by registered voters
28 of the county equal in numbers to at least fifteen percent of the total
29 vote cast for Governor at the most recent gubernatorial election in the
30 county, secured in not less than two-fifths of the townships or precincts
31 of the county, and (c) asking that the question of not electing a clerk

1 of the district court in the county be submitted to the registered voters
2 therein, the county board, at the next statewide general election, shall
3 order the submission of the question to the registered voters of the
4 county. The form of submission upon the ballot shall be as follows:

5 For election of a clerk of the district court;

6 Against election of a clerk of the district court.

7 (3) If a majority of the votes cast on the question are against the
8 election of a clerk of the district court in such county, the duties of
9 the clerk of the district court shall be performed by the county clerk,
10 unless there is an agreement between the State Court Administrator and
11 the county board that the clerk of the county court for such county shall
12 be the ex officio clerk of the district court and perform such duties,
13 and the office of clerk of the district court shall either cease with the
14 expiration of the term of the incumbent or continue to be abolished if no
15 such office exists at such time.

16 (4) If a majority of the votes cast on the question are in favor of
17 the election of a clerk of the district court, the office shall continue
18 or a clerk of the district court shall be elected at the next statewide
19 general election as provided in subsection (1) of this section.

20 (5) The term of the clerk of the district court shall be four years
21 or until his or her successor is elected and qualified. The clerk of the
22 district court shall meet the qualifications found in section 24-337.04.
23 ~~The clerk of the district court shall be elected on the partisan ballot.~~

24 Sec. 11. Section 32-525, Revised Statutes Cumulative Supplement,
25 2014, is amended to read:

26 32-525 (1) Except as provided in section 22-417 and except for
27 counties which vote not to elect the county surveyor as provided in
28 subsection (2) or (4) of this section, a county surveyor on either a
29 full-time or part-time basis, as determined by the county board in
30 accordance with section 23-1901, shall be elected in each county having a
31 population of less than one hundred fifty thousand inhabitants at the

1 statewide general election in 1990 and each four years thereafter.

2 (2)(a) Except as provided in section 22-417 and in subsection (3) of
3 this section, in each county having a population of less than one hundred
4 fifty thousand inhabitants, the question of electing a county surveyor in
5 the county shall be submitted to the registered voters of the county at
6 the statewide general election in 2020. The form of submission upon the
7 ballot shall be as follows: For election of county surveyor; Against
8 election of county surveyor.

9 (b) If a majority of the votes cast on the question are against the
10 election of a county surveyor in such county, the office of county
11 surveyor shall cease as an elected office with the expiration of the term
12 of the incumbent or shall remain as it exists if no elected official
13 holds that office. In such counties, the office shall be filled as
14 provided in subsection (2) of section 23-1901.01.

15 (c) If a majority of the votes cast on the question are in favor of
16 the election of a county surveyor, the office shall continue to be
17 elected as provided in subsection (1) of this section or, if no elected
18 county surveyor is in office, a county surveyor shall be elected at the
19 next statewide general election as provided in subsection (1) of this
20 section.

21 (3) If a county having a population of less than one hundred fifty
22 thousand inhabitants has an elected county surveyor in office on January
23 1, 2020, the county board may, prior to February 1, 2020, following a
24 public hearing, adopt a resolution to continue to elect the county
25 surveyor for the county and not to submit the question pursuant to
26 subsection (2) of this section.

27 (4)(a) Beginning in 2021, in each county having a population of less
28 than one hundred fifty thousand inhabitants, the county board shall
29 submit the question of electing a county surveyor in the county to the
30 registered voters of the county at the next statewide general election if
31 (i) the county board, by majority vote of all the members of the county

1 board, adopts a resolution on or before September 1 prior to the next
2 statewide general election to submit the question to the voters or (ii) a
3 petition conforming to section 32-628 asking for the submission of the
4 question to the voters is presented to the election commissioner or
5 county clerk on or before September 1 prior to the next statewide general
6 election signed by at least ten percent of the registered voters of the
7 county. The election commissioner or county clerk shall verify the
8 signatures pursuant to section 32-631 and place the question on the
9 ballot if he or she determines that at least ten percent of the
10 registered voters of the county have signed the petition.

11 (b) The form of submission upon the ballot shall be as follows: For
12 election of county surveyor; Against election of county surveyor.

13 (c) If a majority of the votes cast on the question are against the
14 election of a county surveyor in such county, the office of county
15 surveyor shall cease as an elected office with the expiration of the term
16 of the incumbent or shall remain as it exists if no elected official
17 holds that office. In such counties, the office shall be filled as
18 provided in subsection (2) of section 23-1901.01.

19 (d) If a majority of the votes cast on the question are in favor of
20 the election of a county surveyor, the office shall continue to be
21 elected as provided in subsection (1) of this section or, if no elected
22 county surveyor is in office, a county surveyor shall be elected at the
23 next statewide general election as provided in subsection (1) of this
24 section.

25 (5) The term of the county surveyor shall be four years or until his
26 or her successor is elected and qualified. The county surveyor shall meet
27 the qualifications found in sections 23-1901 and 23-1901.01. ~~The county~~
28 ~~surveyor shall be elected on the partisan ballot.~~

29 Sec. 12. Section 32-526, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 32-526 Except as provided in section 22-417, a county engineer shall

1 be elected in each county having a population of one hundred fifty
2 thousand inhabitants or more at the statewide general election in 1990
3 and each four years thereafter. The term of the county engineer shall be
4 four years or until his or her successor is elected and qualified. The
5 county engineer shall meet the qualifications found in section 23-1901.
6 ~~The county engineer shall be elected on the partisan ballot.~~

7 Sec. 13. Section 32-528, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 32-528 (1) In counties having a county board of three commissioners,
10 two commissioners shall be elected at the statewide general election in
11 1994 and each four years thereafter, and one commissioner shall be
12 elected at the statewide general election in 1996 and each four years
13 thereafter. In counties having a county board of five commissioners,
14 three commissioners shall be elected at the statewide general election in
15 1994 and each four years thereafter, and two commissioners shall be
16 elected at the statewide general election in 1996 and each four years
17 thereafter. In counties having a county board of seven or more
18 commissioners, one commissioner shall be elected in each odd-numbered
19 commissioner district at the statewide general election in 1994 and each
20 four years thereafter, and one commissioner shall be elected in each
21 even-numbered commissioner district at the statewide general election in
22 1996 and each four years thereafter.

23 (2) Except for commissioners first elected after the county adopts
24 the commissioner form of government or has increased the number of
25 commissioners, the term of each county commissioner shall be four years
26 or until his or her successor is elected and qualified. At the first
27 election held to choose the board of commissioners in any county having
28 three commissioners, the person having the highest number of votes shall
29 serve for four years and the two receiving the next highest number of
30 votes shall serve for two years, and if any three or more persons have
31 the same number of votes, their terms of office shall be determined by

1 the county canvassing board. The county commissioners shall meet the
2 qualifications found in section 23-150. Nothing in this section shall be
3 construed to prohibit the reelection of a commissioner holding office if
4 the commissioner is reelected to represent his or her respective
5 district. ~~The county commissioners shall be elected on the partisan~~
6 ~~ballot.~~

7 (3)(a) In counties having not more than one hundred fifty thousand
8 inhabitants, one commissioner shall be nominated and elected from each
9 district by the registered voters of the district.

10 (b) Until 2010, in counties having a population of more than one
11 hundred fifty thousand but not more than three hundred thousand
12 inhabitants, one commissioner shall be nominated from each district by
13 the registered voters of the district and shall be elected by the
14 registered voters of the entire county. Beginning in 2010 in counties
15 having a population of more than one hundred fifty thousand but not more
16 than three hundred thousand inhabitants, one commissioner shall be
17 nominated and elected from each district by the registered voters of the
18 district as provided in subsection (5) of this section.

19 (c) In counties having more than three hundred thousand inhabitants,
20 one commissioner shall be nominated and elected from each district by the
21 registered voters of the district.

22 (4) In counties in which a majority has voted to have five
23 commissioners as provided in section 23-148, the three commissioners of
24 such county whose terms of office will expire after the election shall
25 continue in office until the expiration of the terms for which they were
26 elected and until their successors are elected and qualified. Two
27 commissioners shall be appointed pursuant to section 32-567 to serve
28 until the first Thursday after the first Tuesday in January following the
29 next statewide general election. At the next statewide general election,
30 commissioners shall be elected to fill the positions of any commissioners
31 appointed under this section. At the first primary election after such

1 appointments, filings shall be accepted for terms of two years and for
2 terms of four years so that two commissioners will be elected to four-
3 year terms at one election and three commissioners will be elected to
4 four-year terms at the next election.

5 (5) In counties having more than one hundred fifty thousand but not
6 more than three hundred thousand inhabitants which are changing from
7 nominating by district and electing at large to nominating and electing
8 by district as provided in subdivision (3)(b) of this section, the
9 commissioners shall continue in office until the expiration of the terms
10 for which they were elected and until their successors are elected and
11 qualified. At the primary election in 2010, one commissioner in such
12 counties shall be nominated from each odd-numbered district. At the
13 ensuing general election, one commissioner shall be elected from each
14 odd-numbered district. At the primary election in 2012, one commissioner
15 in such counties shall be nominated from each even-numbered district. At
16 the ensuing general election, one commissioner shall be elected from each
17 even-numbered district.

18 Sec. 14. Section 32-529, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 32-529 At the first general election after the adoption of township
21 organization by a county, one supervisor shall be elected in each
22 supervisor district. Thereafter one supervisor shall be elected in each
23 odd-numbered supervisor district at the general election two years after
24 the first general election and each four years thereafter, and one
25 supervisor shall be elected in each even-numbered supervisor district at
26 the general election four years after the first general election and each
27 four years thereafter. Each county supervisor shall be nominated and
28 elected by the registered voters of the district from which he or she is
29 elected. Except for supervisors first elected after the county has
30 adopted township organization, the term of each county supervisor shall
31 be four years or until his or her successor is elected and qualified. The

1 county supervisors shall meet the qualifications found in section 23-268.

2 ~~The county supervisors shall be elected on the partisan ballot.~~

3 Sec. 15. Original sections 32-517, 32-518, 32-520, 32-521, 32-522,
4 32-523, 32-526, 32-528, and 32-529, Reissue Revised Statutes of Nebraska,
5 and sections 32-101, 32-519, 32-524, and 32-525, Revised Statutes
6 Cumulative Supplement, 2014, are repealed.